(July)

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Commissioner for Patents P.O. Box 1450

Attorney for Applicant

Date: May 5, 2004

Application No.

10/772,196

Applicant

Michael L. Jordan

Filed

4 February 2004

TC/A.U.

Not Yet Assigned

Examiner

Not Yet Assigned

Atty. Docket No.

DB001104-000

Customer No.

24122

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

## **TRANSMITTAL**

Enclosed for filing in the above-captioned application, please find the following:

- An Information Disclosure Statement; and
- Form PTO/SB/08A.

Also enclosed is a return postcard. Please date stamp and mail the postcard in order to acknowledge receipt of the above-reference correspondence. The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to our Deposit Account No. 20-0888. A duplicate copy of this transmittal is enclosed.

Respectfully submitted,

Edward L. Pencoske

Reg. No. 29,688

Thorp Reed & Armstrong, LLP

One Oxford Centre

301 Grant Street, 14th Floor

Pittsburgh, Pennsylvania 15219-1425

Tel.: 412/394-7789

Fax: 412/394-2555

Attorney for Applicant

Dated: May 5, 2004



I hereby certify that this correspondence is being deposited in the United States Postal Services as First Class Mail in an envelope addressed to:

Commissioner for Patents P.O. Box 1450

Alexandria, VA-22313-145

Attorney for Applicant

Date: May 5, 2004

Application No. : 10/772,196

Applicant : Michael L. Jordan
Filed : 4 February 2004
TC/A.U. : Not Yet Assigned
Examiner : Not Yet Assigned

Atty. Docket No. : DB001104-000

Customer No. : 24122

To: Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Information Disclosure Statement

Sir:

Pursuant to the provisions of 37 CFR §§1.56 and 1.97-98, enclosed herewith is:

Form PTO/SB/08A

Form PTO/SB/08B

listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is "prior art" to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability as defined in 37 CFR §1.56, or that no other material information exists, and shall not be construed as an admission against applicant(s) interest in any manner.

Application No.: 10/772,196 Dated: May 5, 2004 Information Disclosure Statement

The Information Disclosure Statement submitted herewith is being filed pursuant to:

	37 C.F.R. §1.97(b)(1); no fee is required; OR					
	37 C.F.R. §1.97(b)(2); no fee is required; OR					
$\boxtimes$	37 C.F OR	7 C.F.R. §1.97(b)(3); no fee is required; OR				
	37 C.F OR	C.F.R. §1.97(b)(4); no fee is required;				
	37 C.F.R. §1.97(c); AND either					
		The fee set forth in §1.17(p) is attached; OR				
	Applicant certifies pursuant to 37 CFR §1.97(e) that:					
		each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR				
		no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item contained in the Information Disclosure Statement was known to any individual designated under 37 CFR §1.56(c) more than three months prior to the filing of this statement;				

OR

Application No.: 10/772,196

Dated: May 5, 2004

Information Disclosure Statement

J	37 C.F AND	.R. §1.9/(d); the fee set forth in §1.1/(p) is attached,
		each item of information contained in this Information
		Disclosure Statement was first cited in a communication
		from a foreign patent office in a counterpart foreign
		application not more than three months prior to the filing
		of this statement; OR
		no item of information contained in this Information
		Disclosure Statement was cited in a communication
		from a foreign patent office in a counterpart foreign
		application, and, to the knowledge of the person signing
		this certification after making reasonable inquiry, no
		item contained in the Information Disclosure Statement
		was known to any individual designated under 37 CFR
		§1.56(c) more than three months prior to the filing of
		this Statement.

Applicant respectfully requests that the listed references be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning a copy of the attached form(s) with the next Official Action.

Respectfully submitted,

Dated: 5 Mey 04

Edward L. Pencoske

Reg. No. 29,688

Thorp Reed & Armstrong, LLP One Oxford Centre, 14<sup>th</sup> Floor

301 Grant Street

Pittsburgh, Pennsylvania 15219-1425

Tel.: 412/394-7789 Fax: 412/394-2555

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449/PTO

Sheet 1

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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Application Number	10/772,196	
Filing Date	February 4, 2004	
First Named Inventor	Jordan, Michael L.	
Art Unit	Not yet assigned	
Examiner Name	Not yet assigned	
Attorney Docket Number	DB001104-000	

Complete if Known

			U. S. PATEN	DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	↓	Number-Kind Code <sup>2 (# known)</sup>			Figures Appear
		<sup>US-</sup> 6,522,945 B2	02-18-2003	Sleep et al.	
		<sup>US-</sup> RE37,829 E	09-03-2002	Charhut et al.	
		<sup>US-</sup> 6,317,648 B1	11-13-2001	Sleep et al.	
		<sup>US-</sup> 6,256,967 B1	07-10-2001	Hebron et al.	
		<sup>US-</sup> 5,771,657	06-30-1998	Lasher et al.	
		<sup>US-</sup> 5,720,154	02-24-1998	Lasher et al.	
		<sup>US-</sup> 5,660,305	08-26-1997	Lasher et al.	
		<sup>US-</sup> 2003/0144876 A1	07-31-2003	Kosinski et al.	
		<sup>US-</sup> 2002/0099467 A1	07-25-2002	Sleep et al.	
		US-			
	1	US-			

		FOREI	<b>GN PATENT DOCU</b>	MENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	Π
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			T,
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Examiner	Date	
Signature	Considered	

\*EXAMINE: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.